

104TH CONGRESS
1ST SESSION

H. R. 2243

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1995

Mr. RIGGS (for himself and Mr. HERGER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trinity River Basin
5 Fish and Wildlife Management Reauthorization Act of
6 1995”.

1 **SEC. 2. CLARIFICATION OF FINDINGS.**

2 Section 1 of the Act entitled “An Act to provide for
3 the restoration of the fish and wildlife in the Trinity River
4 Basin, California, and for other purposes”, approved Octo-
5 ber 24, 1984 (98 Stat. 2721), is amended—

6 (1) by redesignating paragraphs (5) and (6) as
7 paragraphs (6) and (7), respectively;

8 (2) by adding after paragraph (4) the following:

9 “(5) Trinity Basin fisheries restoration is to be
10 measured not only by returning adult anadromous
11 fish spawners, but by the ability of dependent tribal,
12 commercial, and sport fisheries to participate fully,
13 through enhanced in-river and ocean harvest oppor-
14 tunities, in the benefits of restoration;”; and

15 (3) by amending paragraph (7), as so redesign-
16 nated, to read as follows:

17 “(7) the Secretary requires additional authority
18 to implement a management program in order to
19 achieve the long-term goals of both restoring total
20 ocean populations of adult salmon, steelhead, and
21 other anadromous fish, and resuming commercial
22 and sport fishing activities at the ports between Fort
23 Bragg, California and Brookings, Oregon, at levels
24 approximating those which existed immediately be-
25 fore the start of the construction of the Trinity
26 River division.”.

1 **SEC. 3. CHANGES TO MANAGEMENT PROGRAM.**

2 (a) OCEAN FISH LEVELS.—Section 2(a) of the Act
3 entitled “An Act to provide for the restoration of the fish
4 and wildlife in the Trinity River Basin, California, and
5 for other purposes”, approved October 24, 1984 (98 Stat.
6 2722), is amended in the matter preceding paragraph (1)
7 by striking “in such basin” and inserting “in such basin
8 and in the ocean”.

9 (b) FISH HABITATS IN THE KLAMATH RIVER.—
10 Paragraph (1)(A) of such section (98 Stat. 2722) is
11 amended by striking “Weitchpec;” and inserting
12 “Weitchpec and in the Klamath River downstream of the
13 confluence with the Trinity River;”.

14 (c) TRINITY RIVER FISH HATCHERY.—Paragraph
15 (1)(C) of such section (98 Stat. 2722) is amended by in-
16 serting before the period the following: “, so that it can
17 best serve its purpose of mitigation of fish habitat loss
18 above Lewiston Dam while not impairing efforts to restore
19 and maintain naturally reproducing fish stocks within the
20 basin.”.

21 (d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2)
22 of such Act (98 Stat. 2722) is amended by striking “tribe”
23 and inserting “tribes”.

1 **SEC. 4. ALTERNATIVES FOR ENHANCING HARVEST OPPOR-**
2 **TUNITIES.**

3 Section 2(b) of the Act entitled “An Act to provide
4 for the restoration of the fish and wildlife in the Trinity
5 River Basin, California, and for other purposes”, approved
6 October 24, 1984 (98 Stat. 2722), is further amended by
7 inserting at the end thereof the following:

8 “(4) In implementing the management program pur-
9 suant to subsection (a), the Secretary shall give priority
10 attention to exploring the following strategies to further
11 enhance the harvest opportunities of anadromous fish:

12 “(A) Use of biologically sound methods to in-
13 crease the harvestable surplus of Klamath/Trinity
14 chinook by augmenting mitigation hatchery releases
15 with supplemental hatchery production, including
16 hatchery practices which optimize survival to adult-
17 hood of supplementation releases.

18 “(B) Design of time and area opportunities in
19 the ocean fisheries of the Klamath Management
20 Zone which focus impacts on relatively robust stocks
21 while limit impacts to sensitive stocks.

22 “(C) Development of processes which allow fish-
23 eries to selectively harvest hatchery produced fish
24 while releasing unmarked, natural fish.”.

1 **SEC. 5. ADDITIONS TO TASK FORCE.**

2 (a) IN GENERAL.—Section 3(a) of the Act entitled
3 “An Act to provide for the restoration of the fish and wild-
4 life in the Trinity River Basin, California, and for other
5 purposes”, approved October 24, 1984 (98 Stat. 2722),
6 is amended—

7 (1) by striking “fourteen” and inserting “twenty-
8 ty-four”; and

9 (2) by inserting after paragraph (14) the fol-
10 lowing:

11 “(15) One individual to be appointed by the
12 Yurok Tribe.

13 “(16) One individual to be appointed by the
14 Karuk Tribe.

15 “(17) One individual to represent commercial
16 fishing interests, to be appointed by the Secretary
17 after consultation with the Board of Directors of the
18 Pacific Coast Federation of Fishermen’s Associa-
19 tions.

20 “(18) One individual to represent sport fishing
21 interests, to be appointed by the Secretary after con-
22 sultation with the Board of Directors of the Califor-
23 nia Advisory Committee on Salmon and Steelhead
24 Trout.

1 “(19) One individual to be appointed by the
2 Secretary, in consultation with the Secretary of Ag-
3 riculture, to represent the timber industry.

4 “(20) One individual to be appointed by the
5 Secretary to represent environmental interests.

6 “(21) One individual to be appointed by the
7 Secretary, in consultation with the Secretary of Ag-
8 riculture, to represent agricultural interests.

9 “(22) One individual to be appointed by the
10 Secretary, in consultation with the California Urban
11 Water Coalition, to represent urban water interests.

12 “(23) One individual to be appointed by the
13 Secretary, in consultation with the Secretary of En-
14 ergy, to represent power customers of the Central
15 Valley Project.

16 “(24) One individual to be appointed by the Ad-
17 ministrator of the Western Area Power Administra-
18 tion to represent the Western Area Power Adminis-
19 tration.”.

20 (b) COORDINATION.—Section 3 of such Act (98 Stat.
21 2722) is further amended by adding at the end thereof
22 the following new subsection:

23 “(d) Task Force actions or management on the
24 Klamath River from Weitchpec downstream to the Pacific
25 Ocean shall be coordinated with, and conducted with the

1 full knowledge of, the Klamath River Basin Fisheries Task
2 Force and the Klamath Fishery Management Council, as
3 established under Public Law 99–552. The Secretary shall
4 appoint a designated representative to ensure such coordi-
5 nation and the exchange of information between the Trin-
6 ity River Task Force and these two entities.”.

7 (c) REIMBURSEMENT.—Section 3(c)(2) of such Act
8 (98 Stat. 2723) is amended by adding at the end the fol-
9 lowing: “Members of the Task Force who are not full-time
10 officers or employees of the United States, the State of
11 California (or a political subdivision thereof), or an Indian
12 tribe, may be reimbursed for such expenses as may be in-
13 curred by reason of their service on the Task Force, as
14 consistent with applicable laws and regulations.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall apply with respect to actions taken
17 by the Trinity River Basin Fish and Wildlife Task Force
18 on and after 120 days after the date of the enactment
19 of this Act.

20 **SEC. 6. APPROPRIATIONS.**

21 (a) EXTENSION OF AUTHORIZATION.—Section 4(a)
22 of the Act entitled “An Act to provide for the restoration
23 of the fish and wildlife in the Trinity River Basin, Califor-
24 nia, and for other purposes”, approved October 24, 1984
25 (98 Stat. 2723), is amended—

1 (1) in paragraph (1), by striking “October 1,
2 1995” and inserting in lieu thereof “October 1,
3 1998”; and

4 (2) in paragraph (2), by striking “ten-year”
5 and inserting in lieu thereof “13-year”.

6 (b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL
7 AND AUDIT REPORTS.—Section 4 of such Act (98 Stat.
8 2724) is amended—

9 (1) by designating subsection (d) as subsection
10 (h); and

11 (2) by inserting after subsection (c) the follow-
12 ing new subsections:

13 “(d) The Secretary is authorized to accept in-kind
14 services as payment for obligations incurred under sub-
15 section (b)(1).

16 “(e) Not more than 20 percent of the amounts appro-
17 priated under subsection (a) may be used for overhead and
18 indirect costs. For the purposes of this subsection, the
19 term ‘overhead and indirect costs’ means costs incurred
20 in support of accomplishing specific work activities and
21 jobs. Such costs are primarily administrative in nature
22 and are such that they cannot be practically identified and
23 charged directly to a project or activity and must be dis-
24 tributed to all jobs on an equitable basis. Such costs in-
25 clude compensation for administrative staff, general staff

1 training, rent, travel expenses, communications, utility
2 charges, miscellaneous materials and supplies, janitorial
3 services, depreciation and replacement expenses on cap-
4 italized equipment. Such costs do not include inspection
5 and design of construction projects and environmental
6 compliance activities, including (but not limited to) prepa-
7 ration of documents in compliance with the National Envi-
8 ronmental Policy Act of 1969.

9 “(f) Not later than December 31 of each year, the
10 Secretary shall annually prepare reports documenting and
11 detailing all expenditures incurred under this Act for the
12 fiscal year ending on September 30 of that same year.
13 Such reports shall contain information adequate for the
14 public to determine how such funds were used to carry
15 out the purposes of this Act. Copies of such reports shall
16 be submitted to the Committee on Resources of the House
17 of Representatives and the Committee on Energy and
18 Natural Resources of the Senate.

19 “(g) The Inspector General of the Department of the
20 Interior shall periodically conduct a programmatic audit
21 of the in-river fishery monitoring and enforcement pro-
22 grams under this Act and submit a report concerning such
23 audit to the Committee on Resources of the House of Rep-
24 resentatives and the Committee on Energy and Natural
25 Resources of the Senate.”.

1 **SEC. 7. NO RIGHTS AFFECTED.**

2 The Act entitled “An Act to provide for the restora-
3 tion of the fish and wildlife in the Trinity River Basin,
4 California, and for other purposes”, approved October 24,
5 1984 (98 Stat. 2721), is further amended by inserting at
6 the end thereof the following:

7 “PRESERVATION OF RIGHTS

8 “SEC. 5. Nothing in this Act shall be construed as
9 establishing or affecting any past or present rights of any
10 Indian or Indian tribe or any other individual or entity.”.

11 **SEC. 8. SHORT TITLE OF 1984 ACT.**

12 The Act entitled “An Act to provide for the restora-
13 tion of the fish and wildlife in the Trinity River Basin,
14 California, and for other purposes”, approved October 24,
15 1984 (98 Stat. 2721), as amended by section 7 of this
16 Act, is further amended by adding at the end the follow-
17 ing:

18 “SHORT TITLE

19 “SEC. 6. This Act may be cited as the ‘Trinity River
20 Basin Fish and Wildlife Management Act of 1984’.”.

○